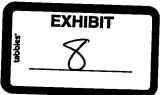
1 IN THE UNITED STATES DISTRICT COURT 1 FOR THE EASTERN DISTRICT OF VIRGINIA 2 RICHMOND DIVISION 3 ePLUS, INC., 4 Plaintiff, 5 : Civil Action v. : No. 3:09CV620 6 LAWSON SOFTWARE, INC., : November 8, 2011 7 Defendant. 8 9 10 11 COMPLETE TRANSCRIPT OF STATUS CONFERENCE BEFORE THE HONORABLE ROBERT E. PAYNE 12 UNITED STATES DISTRICT JUDGE 13 14 15 16 APPEARANCES: 17 Craig T. Merritt, Esq. CHRISTIAN & BARTON 909 E. Main Street, Suite 1200 18 Richmond, VA 23219-3095 19 Scott L. Robertson, Esq. Jennifer A. Albert, Esq. 20 GOODWIN PROCTOR 21 901 New York Avenue, NW Washington, D.C. 20001 22 Counsel for the plaintiff ePlus 23 24 DIANE J. DAFFRON, RPR 25 OFFICIAL COURT REPORTER UNITED STATES DISTRICT COURT



Mr. Thomasch, in the letters that came my way, which I would rather not have even had, but there were a lot of changes. I think in a political campaign, there may have been some pejorative language attached to them.

MR. THOMASCH: Your Honor, we have attempted to eliminate pejorative language, and attempted to try and not have too many letters. And I say that with full recollection that I sent the Court a letter this morning. But I sent the Court a letter to withdraw a motion, a request I previously made. I felt I owed it to the Court to do so.

But at any rate, the three changes are not in dispute. The significance of them and whether or not they take the product out of being infringing, that is in dispute, but we know what they are. If Your Honor wants --

THE COURT: Just a minute. Mr. Robertson, you know that they're saying that the three changes and the only changes they are ever going to contend were made are in that answer to that interrogatory. Are you willing to accept that as the starting point?

MR. ROBERTSON: Yes, Your Honor.

THE COURT: Then you have your people do expert reports after they get the documents and look

124 some other company? 1 MR. KREVITT: I believe that's correct, Your 2 Honor, but it is a separate entity. 3 THE COURT: And it's the same entity it was 4 when the proceedings began? 5 MR. KREVITT: Correct, Your Honor. 6 THE COURT: You'll verify that and let us 7 8 know? MR. KREVITT: Correct, Your Honor. 9 THE COURT: You better tell the federal 10 circuit, too, because somebody is not singing the 11 right song. It's really confusing when this gets up 12 there. I have a feeling this will get up there no 13 matter what happens. 14 MR. KREVITT: We'll see, Your Honor. 15 you very much for your time. 16 THE COURT: Thank you. We'll be in 17 18 adjournment. I, Diane J. Daffron, certify that the 19 foregoing is a correct transcript from the record of 20 proceedings in the above-entitled matter. 21 22 /s/ 23 DATE DIANE J. DAFFRON, RPR, CCR 24 25